
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:23-cv-01195-JLS-SK

Date: February 28, 2024

Title: Caleb L. McGillvary et al v. Netflix, Inc. et al

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Charles Rojas
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendant:

Not Present

Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER RE: (1) PLAINTIFF’S MOTION TO FILE SECOND AMENDED COMPLAINT (Doc. 115); (2) DEFENDANTS’ PENDING MOTIONS TO DISMISS, STRIKE, OR QUASH SERVICE (Docs. 126, 127, 129, 131 & 132); AND (3) MISCELLANEOUS MOTIONS (Docs. 93, 96, 98, 99, 107 & 123, 133)

Plaintiff Caleb L. McGillvary’s motion for leave to file a Second Amended Complaint (Doc. 115) is GRANTED. *See* Fed. R. Civ. P. 15(a)(2) (“The Court should freely give leave [to amend] when justice so requires.”). The Second Amended Complaint (Doc. 115-2) is DEEMED SERVED as of the date of this Order as to the Defendants that were served the First Amended Complaint and have appeared in this action.

Various Defendants have pending motions to dismiss, strike, or quash service of Plaintiff’s First Amended Complaint. (*See* Docs. 126, 127, 129, 131 & 132.) Given that Plaintiff’s First and Second Amended Complaint are substantially similar, the Court will—absent withdrawal of a motion by a Defendant—construe each pending motion as directed to Plaintiff’s now-operative Second Amended Complaint. However, **within five days of the date of this Order**, a Defendant with a pending motion to dismiss, strike, or quash service may either (1) withdraw that motion, or (2) file a supplemental brief **not to**

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exceed five pages addressing any material changes to Plaintiff's allegations effected by the Second Amended Complaint.

Plaintiff's motion to stay Defendants' pending motions or for an extension of time to oppose them (Doc. 133) is GRANTED IN PART. Specifically, to accommodate Plaintiff's request for additional time to oppose Defendants' motions, the hearing on those motions is CONTINUED from March 29, 2024, to **May 10, 2024 at 10:30 am**. Plaintiff must file any opposition in accordance with the local rules based on the new hearing date.

Plaintiff's motion to dispense with service by mail for non-pro se parties (Doc. 123) is DENIED AS MOOT. Plaintiff previously filed a motion requesting this relief (Doc. 74), and the Court previously denied that motion as moot (Doc. 94). Going forward, Plaintiff shall refrain from filing the same motion multiple times.

The Court RESERVES RULING on the remainder of Plaintiff's service-related motions (Docs. 96, 98, 99 & 107) until after the Court has ruled on Defendants' motions to dismiss, strike, or quash service.

Finally, Defendant Jeff Stricker's ex parte application to supplement (Doc. 93) his ex parte application for an extension of time to respond (Doc. 88) is DENIED AS MOOT. (See Doc. 95 (granting Defendant Stricker's ex parte application for an extension of time).)

Initials of Deputy Clerk: cr